



Practitioner's Docket No. 1062/C90 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application
of _____

Inventor(s)

for _____

Title of invention

OR

In re application of: Kamen et al.

Application No.: 10/618,914

Group No.: 3618

Filed: July 14, 2003

Examiner: Not yet assigned

For: **Multiple-Passenger Transporter**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. SECTION 1.97(b))

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

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Date: January 30, 2004

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Alexander J. Smolenski, Jr., Esq.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: The "filing date of a national application" under 37 C.F.R. section 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. section 1.53(b) as "the date on which: (1) A specification containing a description pursuant to section 1.71 and at least one claim pursuant to section 1.75; and (2) any drawing required by section 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by section 1.41." 37 C.F.R. section 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. section 371(c) within the periods set forth in section 1.494 or section 1.495. 35 U.S.C. section 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. section 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 C.F.R. section 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. section 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. section 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).



SIGNATURE OF PRACTITIONER

Reg. No. 47,953

Alexander J. Smolenski, Jr., Esq.

(type or print name of practitioner)

Tel. No.: (617) 443-9292

125 Summer Street, 11th Floor

P.O. Address

Customer No.: 002101

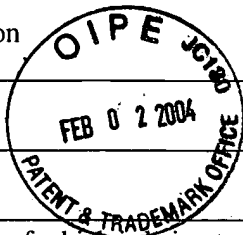
Boston, MA 02110

1062/C90 292056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application
of _____

for _____



Inventor(s) _____

Title of invention _____

the specification of which is being transmitted herewith

OR

In re application of: Kamen et al.

Application No.: 10/618,914

Group No.: 3618

Filed: July 14, 2003

Examiner: Not yet assigned

For: **Multiple-Passenger Transporter**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

(Information Disclosure Statement--page 1 of 16)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

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Date: January 30, 2004

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: disC.F.R.d unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ JEPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.



SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kamen et al. Attorney Docket: 1062/C90
 Serial No: 10/618,914 Art Group Unit: 3618
 Date Filed: July 14, 2003 Examiner Name: Ot yet assigned
 Invention: **Multiple-Passenger Transporter**

**LIST OF PATENTS AND PUBLICATIONS FOR
 APPLICANT'S INFORMATION DISCLOSURE STATEMENT**

Ref. No.	U.S. Patent No.	Inventor	Issue Date	See Sec. 1	Exam. Init.
AA	584,127	Draullette et al.	June 8, 1897		
AB	849,270	Schafer et al.	Apr. 2, 1907		
AC	1,739,716	Fisher	Dec. 17, 1929	#	
AD	2,742,973	Johannesen, H.	Apr. 24, 1956		
AE	3,145,797	Taylor	Aug. 25, 1964		
AF	3,260,324	Suarez	July 12, 1966		
AG	3,283,398	Andren	Nov. 8, 1966		
AH	3,288,234	Feliz, J.	Nov. 29, 1966		
AI	3,348,518	Forsyth et al.	Oct. 24, 1967		
AJ	3,374,845	Selwyn, D.	Mar. 26, 1968		
AK	3,399,742	Malick	Sept. 3, 1968	#	
AL	3,450,219	Fleming, J.	June 17, 1969		
AM	3,446,304	Alimanestiano	May 1969		
AN	3,515,401	Gross, E.	June 2, 1970		
AO	3,580,344	Floyd	May 25, 1971		
AP	3,596,298	Durst, Jr.	Aug. 3, 1971		
AQ	3,724,874	Simpson	04-1973	#	

AR	3,860,264	Douglas et al.	Jan. 14, 195		
AS	3,872,945	Hickman et al.	Mar. 25, 1975		
AT	3,952,822	Udden et al.	Apr. 27, 1976		
AU	4,018,440	Deutsch	Apr. 19, 1977		
AV	4,062,558	Wasserman	Dec. 13, 1977		
AW	4,076,270	Winchell	Feb. 28, 1978		
AX	4,088,199	Trautwein	May 9, 1978		
AY	4,094,372	Notter	June 13, 1978		
AZ	4,109,741	Gabriel	Aug. 29, 1978		
BA	4,111,445	Haibeck	Sept. 5, 1978		
BB	4,151,892	Francken	May 1, 1979		
BC	4,222,449	Feliz	Sept. 16, 1980		
BD	4,264,082	Fouchey, Jr.	Apr. 28, 1981		
BE	4,266,627	Lauber	May 12, 1981		
BF	4,293,052	Daswick et al.	Oct. 6, 1981		
BG	4,325,565	Winchell	Apr. 20, 1982		
BH	4,354,569	Eichholz	Oct. 19, 1982		
BI	4,363,493	Veneklasen	Dec, 14, 1982		
BJ	4,373,600	Buschbom et al.	Feb. 15, 1983		
BK	4,375,840	Campbell	Mar. 8, 1983		
BL	4,510,956	King	Apr. 16, 1985		
BM	4,560,022	Kassai	Dec. 24, 1985		
BN	4,566,707	Nitzberg	Jan. 28, 1986		
BO	4,570,078	Yashima et al.	Feb. 11, 1986		
BP	4,571,844	Komasaku et al.	Feb. 25, 1986		
BQ	4,624,469	Bourne, Jr.	Nov. 25, 1986		
BR	4,645,230	Hammons	02-1987	#	
BS	4,657,272	Davenport	Apr. 14, 1987		
BT	4,685,693	Vadjunec	Aug. 11, 1987		
BU	4,709,772	Brunet	Dec. 1, 1987		

BV	4,716,980	Butler	Jan. 5, 1988		
BW	4,740,001	Torleumke	Apr. 26, 1988		
BX	4,746,132	Eagan	May 24, 1988		
BY	4,770,410	Brown	Sept. 13, 1988		
BZ	4,786,069	Tang	Nov. 22, 1988		
CA	4,790,400	Sheeter	Dec. 13, 1988		
CB	4,790,548	Decelles et al.	Dec. 13, 1988		
CC	4,794,999	Hester	Jan. 3, 1989		
CD	4,798,255	Wu	Jan. 17, 1989		
CE	4,802,542	Houston et al.	Feb. 7, 1989		
CF	4,809,804	Houston et al.	Mar. 7, 1989		
CG	4,834,200	Kajita	May 30, 1989		
CH	4,863,182	Chern	Sept. 5, 1989		
CI	4,867,188	Reid	Sept. 19, 1989		
CJ	4,869,279	Hedges	Sept. 26, 1989		
CK	4,874,055	Beer	Oct. 17, 1989		
CL	4,890,853	Olson	Jan. 2, 1990		
CM	4,919,225	Sturges	Apr. 24, 1990		
CN	4,953,851	Sherlock et al.	Sept. 4, 1990		
CO	4,985,947	Ethridge	Jan. 22, 1991		
CP	4,984,754	Yarrington	Jan. 15, 1991		
CQ	4,998,596	Miksitz	Mar. 12, 1991		
CR	5,002,295	Lin	Mar. 26, 1991		
CS	5,011,170	Forbes et al.	04/1991	#	
CT	5,011,171	Cook	Apr. 30, 1991		
CU	5,052,237	Reimann	Oct. 1, 1991		
CV	5,064,209	Kurschat	11-1991	#	
CW	5,111,899	Reimann	May 12, 1992		
CX	5,158,493	Morgrey	Oct. 27, 1992		
CY	5,161,820	Vollmer	Nov. 10, 1992		

CZ	5,168,947	Rodenborn	Dec. 8, 1992		
DA	5,171,173	Henderson et al.	Dec. 15, 1992		
DB	5,186,270	West	Feb. 16, 1993		
DC	5,221,883	Takenaka et al.	June 22, 1993		
DD	5,240,266	Kelley et al.	08-1993	#	
DE	5,241,875	Kochanneck	Sept. 7, 1993		
DF	5,248,007	Watkins et al.	Sep. 28, 1993		
DG	5,314,034	Chittal	May 24, 1994		
DH	5,350,033	Kraft	Sept. 27, 1994		
DI	5,366,036	Perry	Nov. 22, 1994		
DJ	5,376,868	Toyoda et al.	Dec. 27, 1994		
DK	5,419,624	Adler et al.	May 30, 1995		
DL	5,641,173	Cobb	06-1997	#	
DM	5,655,615	Mick	08-1997	#	
DN	5,701,965	Kamen et al.	Dec. 30, 1997		
DO	5,701,968	Wright-Ott et al.	Dec. 1997		
DP	5,718,534	Neuling	02-1998	#	
DQ	5,775,452	Patmont	July 1998		
DR	5,791,425	Kamen et al.	Aug. 11, 1998	#	
DS	5,794,730	Kamen	Aug. 18, 1998	#	
DT	5,873,582	Kaufman et al.	02-1999	#	
DU	5,921,844	Hollick	07-1999	#	
DV	5,947,505	Martin	Sep. 7, 1999	#	
DW	5,971,091	Kamen et al.	Oct. 26, 1999	#	
DX	5,973,463	Okuda et al.	Oct. 26, 1999		
DY	5,975,225	Kamen et al.	Nov. 2, 1999	#	
DZ	5,986,221	Stanley	Nov. 16, 1999		
EA	6,003,624	Jorgensen et al.	Dec. 21, 1999	#	
DQ	6,050,357	Staelin et al.	Apr. 18, 2000	#	

DR	6,059,062	Staelin et al.	May 9, 2000	#	
DS	6,125,957	Kauffmann	Oct 2000		
DT	6,131,057	Tamaki et al.	Oct. 10, 2000		
DU	6,223,104	Kamen et al.	Apr. 24, 2001		
DV	6,225,977	Li	May 1, 2001		
DW	6,288,505	Heinzmann et al.	Sep. 11, 2001	#	
DX	6,302,230	Kamen et al.	Oct. 16, 2001	#	
DY	US 2002/06300 6 A1	Amesbury Burl et al	30 May 2002		

Ref No.	Foreign Patent No.	Applicant	Publication Date	See Sec. 1	Exam. Init.
DZ	DE 2 048 593	Deres Development	May 6, 1971		
EA	DE 298 08 091 U1	Brecht	Oct. 10, 1998		
EB	DE 298 08 096 U1	Brecht	Oct. 8, 1998		
EC	DE 31 28 112 A1	Heid	Feb. 3, 1983		
ED	DE 32 42 880 A1	Toselli	June 23, 1983		
EE	DE 3411489 A1	Takamiya et al.	Oct. 10, 1984		
EF	DE 44 04 594 A 1	Wittelsberger (and translation)	Aug. 17, 1995		
EG	DE 196 25 498 C 1	Eckstein, et al.	Nov. 20, 1997		
EH	EP 0 193 473	Brunet	Sept. 3, 1986		
EI	EP 0 537 698 A1	Toselli	Apr. 21, 1993		
EJ	EP 0 109 927	von Rohr	July 4, 1984		
EK	EP 0 958 978 A2	Ghoneim et al	Nov. 24, 1999		
EL	FR 2 502 090	Cecil James Watkins, et al.	15-Mar. 1982		
EM	FR 980 237	Pages	May 9, 1951		
EN	GB 2 139 576 A	Colpus	Nov. 14, 1984		
EO	JP 59-73372		Apr. 25, 1984		
EP	JP 61-31685		Feb. 26, 1986		
EQ	JP 4-201793	Furukawa (with translation)	July 22, 1992	#	
ER	JP 2-190277	Toyoda (translation)	July 26, 1990		
ES	JP 5-213240	Mitsubishi (translation)	Aug. 24, 1993		

Ref No.	Foreign Patent No.	Applicant	Publication Date	See Sec. 1	Exam. Init.
ET	JP 0255580	Takahashi (with abstract)	Dec. 17, 1985		
EU	JP 7255780		Mar. 1995		
EV	JP 57-87766	Iguchi (with abstract)	June 1982		
EW	JP 52-44933	Shimizu (with abstract)	Oct. 1975		
EX	JP 63-305082	Santo (with abstract and translation)	Dec. 1988		
EY	JP 62-12810	Hitachi	July 10, 1985		
EZ	JP 57-110569				
FA	JP 6-171562	Takeda	Dec. 10, 1992		
FB	JP 6-105415	Suzuki	December 21, 1994	#	
FC	UK 152,664	Garanzini	Feb. 16, 1922		
FD	UK 1213930	Fleming	Nov. 25, 1970		
FE	WO 86/05752	Post	Oct. 9, 1986		
FF	WO 89/06117	Rix (with translation)	July 13, 1989	#	
FG	WO 96/23478	Kamen et al.	Aug. 8, 1996		
FH	WO 98/46474	Staelin et al.	Oct. 22, 1998		
FI	WO 00 75001 A	Deka Products LP	14 December 2000 (2000-12-14) Claim 23		
FJ	0663 313 A1	Fuji et al.	July 19, 1995	#	

Ref. No.	Non-Patent References	See Sec. 1	Exam Init.
FK	Kawaji, S., <i>Stabilization of Unicycle Using Spinning Motion</i> , <u>Denki Gakkai Ronbushu, D</u> , Vol. 107, Issue 1, Japan (1987), pp. 1-22		
FL	Schoonwinkel, A., <i>Design and Test of a Computer-Stabilized Unicycle</i> , Stanford University (1988), UMI Dissertation Services		
FM	Vos, D., <i>Dynamics and Nonlinear Adaptive Control of an Autonomous Unicycle</i> , Massachusetts Institute of Technology, 1989		
FN	Vos, D., <i>Nonlinear Control of an Autonomous Unicycle Robot: Practical Issues</i> , Massachusetts Institute of Technology, 1992		
FO	Koyanagi et al., <i>A Wheeled Inverse Pendulum Type Self-Contained Mobile Robot and its Posture Control and Vehicle Control</i> , <u>The Society of Instrument and Control Engineers</u> , Special issue of the 31 st SICE Annual Conference, Japan 1992, pp. 13-16.		
FP	Koyanagi et al., <i>A Wheeled Inverse Pendulum Type Self-Contained Mobile Robot</i> , <u>The Society of Instrument and Control Engineers</u> , Special issue of the 31 st SICE Annual Conference, Japan 1992, pp. 51-56		
FQ	Koyanagi et al., <i>A Wheeled Inverse Pendulum Type Self-Contained Mobile Robot and its Two Dimensional Trajectory Control</i> , <u>Proceeding of the Second International Symposium on Measurement and Control in Robotics</u> , Japan 1992, pp. 891-898.		
FR	Watson Industries, Inc., Vertical Reference Manual ADS-C132-1A, 1992, pp. 3-4		
FS	News article <i>Amazing Wheelchair Goes Up and Down Stairs</i>		
FT	Osaka et al., <i>Stabilization of unicycle</i> , <i>Systems and Control</i> , Vol. 25, No. 3, Japan 1981, pp. 159-166 (Abstract Only)		
FU	Roy et al., <i>Five-Wheel Unicycle System</i> , <u>Medical & Biological Engineering & Computing</u> , Vol. 23, No. 6, United Kingdom 1985, pp. 593-596		

FV	Kawaji, S., <i>Stabilization of Unicycle Using Spinning Motion</i> , <u>Denki Gakkai Ronbushi, D</u> , Vol. 107, Issue 1, Japan 1987, pp. 21-28 (Abstract Only)		
FW	Schoonwinkel, A., <i>Design and Test of a Computer-Stabilized Unicycle</i> , <u>Dissertation Abstracts International</u> , Vol. 49/03-B, Stanford University 1988, pp. 890-1294 (Abstract only)		
FX	Vos et al., <i>Dynamics and Nonlinear Adaptive Control of an Autonomous Unicycle - Theory and Experiment</i> , <u>American Institute of Aeronautics and Astronautics</u> , A90-26772 10-39, Washington, D.C. 1990, pp. 487-494 (Abstract only)		
FY	TECKNICO'S Home Page, <i>Those Amazing Flying Machines</i> , http://www.swiftsite.com/technico		
FZ	Stew's Hovercraft Page, http://www.stewcam.com/hovercraft.html		
GA	Kanoh, <i>Adaptive Control of Inverted Pendulum</i> , <u>Computrol</u> , vol. 2, (1983), pp. 69-75.		
GB	Yamafuji, <i>A Proposal for Modular-Structured Mobile Robots for Work that Principally Involve a Vehicle with Two Parallel Wheels</i> , <u>Automation Technology</u> , vol. 20, pp. 113-118 (1988).		
GC	Yamafuji & Kawamura, <i>Study of Postural and Driving Control of Coaxial Bicycle</i> , <u>Paper Read at Meeting of Japan Society of Mechanical Engineering (Series C)</u> , vol. 54, no. 501, (May, 1988), pp. 1114-21		
GD	Yamafuji et al., <i>Synchronous Steering Control of a Parallel Bicycle</i> , <u>Paper Read at Meeting of Japan Society of Mechanical Engineering (Series C)</u> , vol. 55, no. 513, (May, 1989), pp. 1229-34.		
GE	Momoi & Yamafuji, <i>Motion Control of the Parallel Bicycle-Type Mobile Robot Composed of a Triple Inverted Pendulum</i> , <u>Paper Read at Meeting of Japan Society of Mechanical Engineering (Series C)</u> , vol. 57, no. 541, (Sep., 1991), pp. 154-159		

Examiner Signature: _____

Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

NOTE: *"A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 C.F.R. section 1.98(d).*

WARNING: *"This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38).*

WARNING: *"Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. section 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37).*

WARNING: *While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in section 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in section 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.*

The present application is a continuation-in-part of copending application Serial No. 10/164,333, attorney's docket 1062/C81.

In accordance with the waiver to 37 CFR 1.98, no copies of United States Patents or published patent applications are being provided with this statement.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

☒ Exception(s) to above:

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

U.S. patent citations are not included pursuant to 37 CFR 1.98 9(a)(2)(i) and 37 CFR 1.491(b), in which the USPTO waived the requirement for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this certification is

(check each applicable item)

(a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

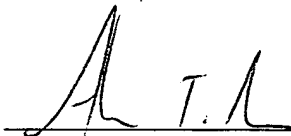
(c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.



SIGNATURE OF PRACTITIONER

Alexander J. Smolenski, Jr., Esq.

(type or print name of practitioner)

125 Summer Street, 11th Floor

P.O. Address

Boston, MA 02110

Reg. No.: 47,953

Tel. No.: (617) 443-9292

Customer No.: 002101

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